

For Utility/Design
CIP/PCT National
Original/Substitute
Supplemental
Declarations

NOV 24 2003

Rule 53(b) (37 C.F.R. § 1.53(b))
**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Atty. Docket
No.: 02-10

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

INTERACTIVE CHARACTER FOR USE WITH AN AEROSOL MEDICATION DELIVERY SYSTEM

RECEIVED

the specification of which (Check applicable Box(es)):

- ☒ is attached hereto,
☐ was filed on: _____ as U.S. Appl. No.: _____
☐ was filed as PCT International Application No. PCT/ _____ on _____
☐ was amended on: _____

DEC 03 2003

TECHNOLOGY CENTER R3700

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority claimed, before the filing date of this application.

| Prior Foreign Application(s) | | Filed (MM/DD/YY) | Date First Laid Open or Published | Dated Patented or Granted | Priority Claimed | |
|------------------------------|---------|---------------------|--------------------------------------|------------------------------|--------------------------|--------------------------|
| Number(s) | Country | | | | Yes | No |
| | | | | | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | | | <input type="checkbox"/> | <input type="checkbox"/> |

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

| Number(s) | Filing Date (MM/DD/YY) |
|------------|------------------------|
| 60/408,176 | 09/04/2002 |

I hereby claim domestic priority benefit under 35 U.S.C. § 119/120/365 of the indicated United States applications listed below and PCT international applications listed above or below and, if this is a continuation-in-part (CIP) application, insofar as the subject matter disclosed and claimed in this application is in addition to that disclosed in such prior applications, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of each such prior application and the national or PCT international filing date of this application:

| Application Number | Filing Date (MM/DD/YY) | Status (patented, pending, abandoned) |
|--------------------|------------------------|---------------------------------------|
| | | |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint the following attorney(s) and/or agents(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith: Michael W. Haas, Reg. No. 35,174

Address all correspondence to Customer Number:



| | |
|--|----------------------|
| (1) Inventor's Signature: <i>Lauren R. Ziegler</i> | Date: <i>8-12-03</i> |
| Full Name: Lauren R. Ziegler | Citizenship: U.S.A. |
| Residence: City: Montville | State: New Jersey |
| Post Office Address: 11 Orchard Drive, Montville, New Jersey 07045 | Country: U.S.A. |

| | |
|---|----------------------|
| (2) Inventor's Signature: <i>Dirk von Hollen</i> | Date: <i>8-12-03</i> |
| Full Name: Dirk Von Hollen | Citizenship: U.S.A. |
| Residence: City: Clark | State: New Jersey |
| Post Office Address: 16 Charles Street, Clark, New Jersey 07066 | Country: U.S.A. |

☐ Additional inventors are being named on the supplemental additional inventor(s) sheet(s) RI-116-2 attached hereto)

2. A copy of the postcard receipt indicating that the signed Declaration and Power of Attorney form was filed on the application filing date with the specification, the application filing date being August 21, 2003; and
3. A copy of the Notice to File Missing Parts, filing date granted, dated November 14, 2003 (Form PTO-1533).

Applicant respectfully submits that a Declaration and Power of Attorney form in compliance with 37 C.F.R. § 1.63 was properly submitted on the filing date of the present application with the specification. Thus, the Notice of Missing Parts has been incorrectly issued.

The enclosed copy of the signed Declaration and Power of Attorney form includes the identification requirements needed for a declaration submitted with a specification on the filing date of the application, these requirements being set forth in 37 C.F.R. § 1.63 and in M.P.E.P. § 602. For example, the copy of the signed Declaration includes the name of the inventors and a reference to the attached specification, which was attached to the Declaration. Evidence that the Declaration was attached to the specification is found in the copy of the postcard receipt indicating that the signed Declaration was submitted with the specification.

The copy of the signed Declaration also includes the name of the inventors as well as the attorney docket number and title of the invention. The attorney docket number and title of the invention were both included in the attached specification. For example, the attorney docket number is found on the cover sheet for the specification, and title of the invention is found on the cover sheet and the first page of the specification.

For the reasons presented above, applicant submits that the signed Declaration and Power of Attorney form was properly filed on the filing date of the present application with the specification in compliance with 37 C.F.R. § 1.63. Accordingly, applicant respectfully submits that the Notice of Missing Parts has been incorrectly issued and requests that it be withdrawn. Acknowledgement that the Notice of Missing Parts has been withdrawn is also respectfully

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requested. In the alternative, applicant respectfully requests acknowledgement that that the parts of the present application identified as missing, were, in fact, properly filed with the specification on the application filing date so that the file is now currently complete and ready for examination.

While the applicant does not believe that any surcharge or other fee is required because the Notice of Missing Parts was erroneously issued, the Commissioner is nevertheless hereby authorized to charge any surcharge for late filing of Declaration required under 37 C.F.R. § 1.16(e) to deposit account no. 50-0558. The Commissioner is also authorized to charge any other deficiency in the indicated fees or credit any overpayment to deposit account no. 50-0558.

Respectfully submitted,

By Michael W. Haas
Michael W. Haas
Reg. No.: 35,174
Tel. No.: (724) 387-5026
Fax No.: (724) 387-5021

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